

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER TECHNICAL STATUS AND PROPOSED REVISIONS TO MALFUNCTION AND DIAGNOSTIC SYSTEM REQUIREMENTS AND ASSOCIATED ENFORCEMENT PROVISIONS FOR 2004 AND SUBSEQUENT MODEL YEAR PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY VEHICLES AND ENGINES (OBD II)

Public Hearing Date: April 25, 2002
First Public Availability Date: October 10, 2002
Second Public Availability Date: January 15, 2003
Second Deadline for Public Comment: February 3, 2003

The notice announces a second supplemental period in which the public may comment on additional modifications begin proposed for sections 1968.2 and 1968.5, title 13, California Code of Regulations (CCR). No action by any member of the public is necessary unless the person wishes to comment on the additional modifications.

The Board's Action. At its April 25, 2002, public hearing, the Air Resources Board (the "Board" or "ARB") approved the adoption of sections 1968.2 and 1968.5, title 13, CCR. Upon becoming operative, section 1968.2 would establish OBD II requirements for 2004 and subsequent model year vehicles; section 1968.5 would establish an OBD II-specific in-use enforcement protocol.

At the hearing, the Board adopted Resolution 02-17 (which was appended to the first 15-day notice and is available on the ARB internet site), approving the regulations with modifications. In approving the regulations, the Board specifically included staff's suggested modifications to the initially noticed text, which were made available at the hearing. The suggested modifications were appended to the Resolution as Attachment B. In the Resolution, the Board directed the Executive Officer to incorporate the approved modifications into the regulatory text, along with such other conforming modifications as may be appropriate, and to make such modifications available for a supplemental comment period of at least 15 days. The proposed modifications were made available with a supplemental comment deadline of November 1, 2002.

Additional Modifications. Based on comments received during the supplemental comment period, staff is proposing additional substantive, clarifying and technical modifications to the regulatory texts that are needed to better reflect the underlying intent of the regulations.

Attachment I contains excerpts of those sections of the regulations affected by the modifications being proposed with this notice. Language initially proposed is indicated in plain type. Modifications that were made in the first 15-day notice are denoted by single underline for additions to text and ~~single-strikeout~~ for deletions. Additions to the text proposed with this notice are denoted by double underline and the deletions by ~~double-strikeout~~. The rationale for the proposed modifications is set forth in the

paragraph(s) immediately following the affected sections. Attachment I is available online at the ARB's internet site for the regulatory documents in this rulemaking:

<http://www.arb.ca.gov/regact/obd02/obd02.htm>

Printed copies may be obtained from Mike McCarthy, Manager, Advanced Engineering Section, of the ARB Mobile Source Control Division, at (626) 575-6615, or by faxing or mailing the request form attached to the end of this notice to the address or number detailed on the form.

Comments and Subsequent Action. In accordance with section 11346.8 of the Government Code, the additional modifications are being made available for a second supplemental comment period. The Board provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the proposed modifications may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: obdii@listserv.arb.ca.gov

Facsimile submissions are to be transmitted to: (916) 322-3928

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the last day for supplemental comment listed at the beginning of this notice. Only comments relating to the modifications to the text of the regulations shall be considered by the Executive Officer.

If you have special accommodation or language needs, please contact Amy Whiting at (916) 322-6533 or by e-mail at awhiting@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

/s/

Robert H. Cross, Chief
Mobile Source Control Division

Attachment